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JUN 16 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application Serial No. ....09/882,610  
Confirmation No. ....8484  
Filing Date ..... June 15, 2001  
Inventorship ..... Bergler et al.  
Applicant ..... Microsoft Corporation  
Group Art Unit ..... 3629  
Examiner ..... Traci L. Smith  
Attorney's Docket No. .... MS1-690US  
Title: System and Related Methods for Managing and Enforcing Software Licenses

**RESPONSE TO OFFICE ACTION DATED DECEMBER 22, 2004**

To: Honorable Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

From: David M. Huntley (Tel. 509-324-9256; Fax 509-323-8979)  
Lee & Hayes, PLLC  
421 W. Riverside Avenue, Suite 500  
Spokane, WA 99201

06/17/2005 HTECKLU1 00000046 09882610

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PTO/SB/17 (12-04)

Approved for use through 07/31/2005, OMB 0381-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**  
For FY 2005☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (5) 1320.00**Complete if Known**

|                      |                |
|----------------------|----------------|
| Application Number   | 09/882,610     |
| Filing Date          | 6/15/2001      |
| First Named Inventor | Bergler et al. |
| Examiner Name        | Smith, T.      |
| Art Unit             | 3629           |
| Attorney Docket No.  | MS1 -690US     |

**METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 12-0769 Deposit Account Name: Lee & Hayes, PLLC

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES |                       | SEARCH FEES |                       | EXAMINATION FEES |                       | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
|                  | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)         | Small Entity Fee (\$) |                |
| Utility          | 300         | 150                   | 500         | 250                   | 200              | 100                   |                |
| Design           | 200         | 100                   | 100         | 50                    | 130              | 65                    |                |
| Plant            | 200         | 100                   | 300         | 150                   | 160              | 80                    |                |
| Reissue          | 300         | 150                   | 500         | 250                   | 600              | 300                   |                |
| Provisional      | 200         | 100                   | 0           | 0                     | 0                | 0                     |                |

**2. EXCESS CLAIM FEES**

| Fee Description   | Fee (\$) | Small Entity Fee (\$) |
|---|----------|-----------------------|
| Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent            | 50       | 25                    |
| Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent | 200      | 100                   |
| Multiple dependent claims   | 360      | 180                   |

**Total Claims** 55 - 20 or HP = 6  $\times$  50 = 300 **Fee Paid (\$)**

HP = highest number of total claims paid for, if greater than 20

**Indep. Claims** 9 - 3 or HP = 0  $\times$  200 = 0 **Fee Paid (\$)**

HP = highest number of independent claims paid for, if greater than 3

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

**Total Sheets** 150 - 100 = 50 / 50 = 1 (round up to a whole number)  $\times$  125 = 125 **Fee Paid (\$)**

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other: Extension of Time

1020.00

**SUBMITTED BY**

|                   |                         |                                   |           |           |                |
|-------------------|-------------------------|-----------------------------------|-----------|-----------|----------------|
| Signature         | <i>David M. Huntley</i> | Registration No. (Attorney/Agent) | 40309     | Telephone | (509) 324-9256 |
| Name (Print/Type) | David M. Huntley        | Date                              | 6/16/2005 |           |                |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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|   |   |  |           |
|---|---|--|-----------|
| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing)   | Application Number  | 09/882,610   |           |
|   | Filing Date   | 6/15/2001  |           |
|   | First Named Inventor  | Bergler et al.   |           |
|   | Group Art Unit  | 3629   |           |
|   | Examiner Name   | Smith, T.  |           |
| Total Number of Pages in This Submission  |   | Attorney Docket Number   | MS1-690US |
| <b>ENCLOSURES (check all that apply)</b>  |   |  |           |
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached   | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> After Allowance Communication to Group                            |           |
| <input checked="" type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Licensing-related Papers   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences        |           |
| <input checked="" type="checkbox"/> Extension of Time Request   | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |           |
| <input type="checkbox"/> Express Abandonment Request  | <input type="checkbox"/> Petition to Convert to a Provisional Application                     | <input type="checkbox"/> Proprietary Information   |           |
| <input type="checkbox"/> Information Disclosure Statement   | <input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence<br>Address | <input type="checkbox"/> Status Letter   |           |
| <input type="checkbox"/> Certified Copy of Priority Documents   | <input type="checkbox"/> Terminal Disclaimer  | <input type="checkbox"/> Other Enclosure(s) (please identify below):                       |           |
| <input type="checkbox"/> Response to Missing Parts/<br>Incomplete Application   | <input type="checkbox"/> Request for Refund   |  |           |
| <input type="checkbox"/> Response to Missing Parts<br>under 37 CFR 1.52 or 1.53   | <input type="checkbox"/> CD, Number of CD(s)  |  |           |
| Remarks   |   |  |           |
| <b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>   |   |  |           |
| Firm or Individual Name   | David M. Huntley, Reg. No. 40309  |  |           |
| Signature   | <i>David M. Huntley</i>   |  |           |
| Date  | 6/16/2005   |  |           |

|   |                     |              |
|---|---------------------|--------------|
| <b>CERTIFICATE OF TRANSMISSION/MAILING</b>  |                     |              |
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. |                     |              |
| Typed or printed name   | Carly Taylor        |              |
| Signature   | <i>Carly Taylor</i> | Date 6/16/05 |

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**INTRODUCTORY COMMENTS**

Sir:

In response to the Office Action of December 22, 2004, please amend the above-identified application as follows:

A) Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper; and

B) Remarks/Arguments begin on page 16 of this paper.